



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

fw

| APPLICATION NO.                                                                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/664,867                                                                                | 09/22/2003  | Jean-Michel Lauriol  | Q77431              | 4318             |
| 23373                                                                                     | 7590        | 03/27/2006           | EXAMINER            |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      | DOAN, PHUOC HUU     |                  |
|                                                                                           |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                           |             |                      | 2617                |                  |

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/664,867

**Applicant(s)**

LAURIOL, JEAN-MICHEL

**Examiner**

PHUOC H. DOAN

**Art Unit**

2687

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6, 8-15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attached an Office Action.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_.

GEORGE ENG

SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Response to Arguments*

#### *Priority*

1. Receipt is acknowledgement of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.
  
2. Applicant's arguments filed 02/21/06 have been fully considered but they are not persuasive.

**Applicant's remarks:** Gunnarsson does not detect the availability of the WLAN by having the mobile data terminal detect signals broadcast from the WLAN.

**Examiner's response:** The WLAN is operated by controller device which is a Access Point when mobile devices within frequency range, and Access Point used the frequency hopping to broadcasting (scans periodically). Gunnarsson specifically discloses that alert a mobile device is within range of a WLAN 20 (or to directly alertly the user's computing device "mobile data terminal" may comprise a message broadcast to all mobile terminals 60 in col. 2, par. [0020].

**Applicant's remarks:** the signal broadcast to the terminals is from the mobile phone network, not from the WLAN as is required in claim 1.

**Examiner's response:** Gunnarsson is clearly disclosed the same the present invention in col. 3, par. [0023] "the networks 10 sends an alert to the mobile terminal 60 "**radiotelephone terminal**". This message may include data, such as the carrier frequency of the WLAN 20 which can sent utilizing in-band signaling within a SMS message. The mobile terminal 60 may the signal the wireless computing device 70 "**mobile data terminal**" via a BLUETOOTH message via interface 74 causing the wireless computing device 70 to power-up... The information signal sent to the mobile terminal 60 may simply indicate the availability of a WLAN 20 causing the computing device 70 to search for the WLAN 20 which means the message sent from mobile data termina to radiotephone. The broadcasting of the VLAN Access Point sent to computing device 70 via BLUETOOTH interface 74, the computing device 70 sent to mobile terminal 60.

Phuoc Doan

03/11/06

A handwritten signature in black ink, appearing to read "Phuoc Doan". It consists of a stylized 'P' and 'D' followed by 'uan'.